

RECEIVED
CENTRAL FAX CENTER
AUG 07 2007

IN THE CLAIMS:

1. (Currently amended) A system for repairing a defect in an annulus of a spinal disc, comprising:

at least one blocking member positionable at least adjacent to the defect in the annulus;

at least one anchor engageable with said at least one blocking member to secure said blocking member to tissue adjacent the defect; and

a guide instrument including a distal portion positionable in the defect, said guide instrument including a guide member adapted to guide an instrument for forming a hole in the tissue to receive the at least one anchor, said guide member being further adapted to guide a cutting instrument for forming a recess in the tissue extending between the hole and the defect while said distal portion is positioned in the defect, wherein said guide member of said guide instrument is elongated and includes a passage extending therethrough for receiving the instrument for forming the hole and a slot extending through said guide member in communication with said passage for receiving the instrument for forming the recess, further comprising a shaft extending proximally from said guide member and a handle assembly extending from said shaft, wherein said handle assembly includes a handle member oriented transversely to a longitudinal axis of said guide instrument and said handle member is securable at a plurality of locations along said shaft to adjust a length of said guide instrument extending distally from said handle member.

2. (Original) The system of claim 1, wherein said blocking member includes an attachment portion extending from one end thereof, said attachment portion being adapted to receive said at least one anchor therethrough.

3. (Original) The system of claim 2, wherein said attachment portion includes an eyelet defining a passage therethrough for receiving said at least one anchor.

4. (Original) The system of claim 2, wherein said blocking member includes an attachment portion at the other end thereof, and further comprising a second anchor receivable through said second attachment portion.

5. (Withdrawn) The system of claim 2, wherein said attachment portion includes an elongated passage extending transversely to said blocking member.

6. (Withdrawn) The system of claim 5, wherein said at least one anchor comprises a body sized and shaped for form-fitting receipt in said elongated passage.

7. (Withdrawn) The system of claim 6, wherein said body of said at least one anchor includes a proximal portion and a distal engagement portion, said distal engagement portion including a number of ridges and valleys extending thereacross.

8. (Withdrawn) The system of claim 5, wherein said body of said at least one anchor includes a generally rectangular cross-section and planar upper and lower surfaces.

9. (Original) The system of claim 1, wherein said blocking member includes a width along the annulus when positioned in the defect that is less than a width of the defect along the annulus.

10. (Original) The system of claim 1, wherein said at least one anchor includes means for resisting pullout from the tissue.

11. (Original) The system of claim 1, wherein said blocking member is made from a resorbable material selected from the group consisting of: autograft, allograft, xenograft, hard tissue, connective tissue, demineralized bone matrix, polylactide, polyglycolide, tyrosine-derived polycarbonate, polyanhydride, polyorthoester, polyphosphazene, calcium phosphate, hydroxyapatite, bioactive glass, collagen, albumin, fibrinogen and combinations thereof.

12. (Original) The system of claim 1, wherein said blocking member is made from a non-resorbable material selected from the group consisting of: polyethylene, polyester, polyvinyl alcohol, polyacrylonitrile, polyamide, polytetrafluorethylene, poly-paraphenylene terephthalamide, cellulose, and combinations thereof.

13. (Original) The system of claim 1, wherein said blocking member and said at least one anchor each comprise resorbable material.

14. (Original) The system of claim 1, wherein said blocking member and said at least one anchor each comprise non-resorbable material.

15. (Original) The system of claim 1, wherein the defect has a width along the annulus and said blocking member extends across at least about 10% of the width of the defect when positioned therein.

16. (Original) The system of claim 1, wherein the defect has a width along the annulus and said blocking member extends across about 10% to about 50% of the width of the defect when positioned therein.

17. (Original) The system of claim 1, wherein the defect has a width along the annulus and said blocking member extends across at least about 50% of the width of the defect when positioned therein.

18. (Original) The system of claim 1, wherein said blocking member includes a body portion including one or more components selected from the group consisting of: woven tubing, sutures, tethers, cords, planar members, bands, wires, cables, mesh sheets, braids, plugs, and scaffolds.

Claim 19 (Cancelled)

Response to Final and Advisory Office Actions
Serial No. 10/627,296
Attorney Docket No. MSDI-63/PC833.00
Page 4 of 9

20. (Currently amended) The system of claim 1, ~~claim 19~~, wherein said guide instrument member further comprises a positioning flange extending distally from said guide member and offset from said passage.

21. (Original) The system of claim 20, wherein said positioning flange comprises a portion of a positioning member, said positioning member including a body mounted to said guide member, said positioning flange extending distally from said body.

22. (Original) The system of claim 20, wherein said body includes a slot therethrough aligned with and in communication with said slot of said guide member.

Claims 23-25 (Cancelled)

26. (Currently amended) The system of claim 1, ~~claim 23~~, wherein said slot and said passage extend through said shaft.

27. (Currently amended) The system of claim 1, ~~claim 19~~, wherein said instrument for forming the hole comprises a drill instrument positionable through said passage and operable therethrough to form the hole.

28. (Currently amended) The system of claim 1, ~~claim 19~~, wherein said cutting instrument includes an elongated shaft positionable in said passage, said cutting instrument further comprising a blade extending from said shaft through said slot and movable along said slot with movement of said shaft along said passage.

29. (Original) The system of claim 28, wherein said blade includes a sharpened distal end spaced distally from a distal end of said elongated shaft.

Claims 30-72 (Cancelled)

73. (Currently amended) A system for repairing a defect in an annulus of a spinal disc, comprising:

at least one blocking member positionable at least adjacent to the defect in the annulus;

at least one anchor engageable with said at least one blocking member to secure said blocking member to tissue adjacent the defect; and

a guide instrument including a guide member adapted to guide an instrument for forming a hole in the tissue to receive the at least one anchor, said guide member being elongated and includes a passage extending therethrough and opening at a distal end thereof for receiving and guiding the instrument for forming the hole, said guide member further including a slot extending through said distal end thereof in communication with said passage, said slot for receiving and guiding a cutting instrument for forming a recess in the tissue between the hole and the defect, further comprising a shaft extending proximally from said guide member and a handle assembly extending from said shaft, wherein said handle assembly includes a handle member oriented transversely to a longitudinal axis of said guide instrument and said handle member is securable at a plurality of locations along said shaft to adjust a length of said guide instrument extending distally from said handle member.

74. (Previously presented) The system of claim 73, wherein said blocking member includes an attachment portion extending from one end thereof, said attachment portion being adapted to receive said at least one anchor therethrough.

75. (Previously presented) The system of claim 74, wherein said attachment portion includes an eyelet defining a passage therethrough for receiving said at least one anchor.

76. (Previously presented) The system of claim 74, wherein said blocking member includes an attachment portion at the other end thereof, and further comprising a second anchor receivable through said second attachment portion.

77. (Previously presented) The system of claim 73, wherein said guide instrument member further comprises a positioning flange extending distally from said guide member and offset from said passage.

78. (Previously presented) The system of claim 77, wherein said positioning flange comprises a portion of a positioning member, said positioning member including a body mounted to said guide member, said positioning flange extending distally from said body.

Claims 79-81 (Cancelled)

82. (Currently amended) The system of claim 73, ~~claim 79~~, wherein said slot and said passage extend through said shaft.

83. (Previously presented) The system of claim 73, wherein said instrument for forming the hole comprises a drill instrument positionable through said passage and operable therethrough to form the hole.

84. (Previously presented) The system of claim 73, wherein said cutting instrument includes an elongated shaft positionable in said passage, said cutting instrument further comprising a blade extending from said shaft through said slot and movable along said slot with movement of said shaft along said passage.

85. (Previously presented) The system of claim 84, wherein said blade includes a sharpened distal end spaced distally from a distal end of said elongated shaft.

86. (Previously presented) A system for repairing a defect in an annulus of a spinal disc, comprising:

at least one blocking member positionable at least adjacent to the defect in the annulus;

at least one anchor engageable with said at least one blocking member to secure said blocking member to tissue adjacent the defect; and

a guide instrument including a distal portion positionable in the defect, said guide instrument including a guide member adapted to guide an instrument for forming a hole in the tissue to receive the at least one anchor, said guide member being further adapted to guide a cutting instrument for forming a recess in the tissue extending between the hole and the defect, wherein said guide member includes a shaft extending proximally from said guide member and a handle assembly extending from said shaft, said handle assembly including a handle member oriented transversely to a longitudinal axis of said guide instrument, wherein said handle member is securable at a plurality of locations along said shaft to adjust a length of said guide instrument extending distally from said handle member.

87. (Previously presented) The system of claim 86, wherein said guide member of said guide instrument is elongated and includes a passage extending therethrough for receiving the instrument for forming the hole and a slot extending through said guide member in communication with said passage for receiving the instrument for forming the recess, said slot and said passage opening at a distal end of said guide member.

88. (Previously presented) The system of claim 87, wherein said guide instrument member further comprises a positioning flange extending distally from said guide member and offset from said passage.

89. (Previously presented) The system of claim 88, wherein said positioning flange comprises a portion of a positioning member, said positioning member including a body mounted to said guide member, said positioning flange extending distally from said body.

90. (Previously presented) The system of claim 88, wherein said body includes a slot therethrough aligned with and in communication with said slot of said guide member.